

AGENDA FOR THE REGULAR MEETING OF THE FINANCE / PERSONNEL COMMITTEE

Date and Time: Tuesday, June 8, 2021 6:30 P.M.

<u>Location</u>: City Hall, Committee Room #205, 101 South Blvd. Baraboo

Members Noticed: Scott Sloan, Jason Kent, Joel Petty

Others Noticed: Department Heads (agenda only), City Admin. C. Bradley, B. Zeman, Post

at Library, Media

This meeting is open to the public. Because of the COVID-19 pandemic, any person appearing in person is strongly required to wear a mask and practice social distancing.

MEMBERS not attending must notify the Chairperson at least 24 hours before the meeting.

1. <u>Call Meeting to Order</u>

- a. Roll Call of Membership
- b. Note compliance with Open Meeting Law
- c. Approve May 25, 2021 minutes
- d. Approve agenda

2. Action Items

- a. Accounts Payable Review and recommendation to Common Council on paying \$. (The check register will be provided at a later date)
- b. **TID No. 12** Review and recommendation to Common Council for possible action on Resolution Creating Tax Incremental District No. 12, approving its Project Plan and establishing its Boundaries. (*Bradley*)
- **c.** Employee COVID-19 Policy Review and recommendation to Common Council on repealing the City's Employee COVID-19 Policy effective June 8, 2021. (*Bradley*)
- 3. <u>Information Items</u> None.
- 4. Adjournment

Scott Sloan, Chairperson

Agenda prepared by B. Zeman & posted on 06/02/2021

PLEASE TAKE NOTICE that any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format, should contact the Municipal Clerk, 101 South Blvd., Baraboo, WI or phone (608) 355-2700, during regular business hours at least 48 hours before the meeting so that reasonable arrangements can be made to accommodate each request.

FOR INFORMATION ONLY AND NOT A NOTICE TO PUBLISH

Finance/Personnel Committee-Dennis Thurow Committee Room, #205

Members Present: Sloan, Kent, Petty

Absent:

Others Present: Adm. Bradley, Clerk Zeman, T. Gilman, T. Pinion

<u>Call to Order</u> –Ald. Sloan called the meeting to order at 6:30p.m. noting compliance with the Open Meeting Law. Moved by Kent, seconded by Petty to approve the minutes of May 11, 2021. Motion carried unanimously. Moved by Petty, seconded by Kent to approve the agenda and carried unanimously.

Action Items

a) Accounts Payable – Moved by Petty, seconded by Kent to recommend to Council for approval of the accounts payable for \$348,979.71. Motion carried unanimously.

Information Items

a. Review & discussion of Brush Disposal – T. Gilman and T. Pinion explained that the closure of the brush disposal is primarily due to abuse of the brush site by both City and Non-City residents. T. Gilman explained that the City is currently picking up brush the last full week of every month or as requested by citizens.

<u>Adjournment</u> – Moved by Kent, seconded by Petty and carried to adjourn at 6:50 pm. Brenda Zeman, City Clerk

RESOLUTION CREATING TAX INCREMENTAL DISTRICT NO. 12, APPROVING ITS PROJECT PLAN AND ESTABLISHING ITS BOUNDARIES CITY OF BARABOO, WISCONSIN

WHEREAS, the City of Baraboo (the "City") has determined that use of Tax Incremental Financing is required to promote development and redevelopment within the City; and

WHEREAS, Tax Incremental District No. 12 (the "District") is proposed to be created by the City as a mixed-use district in accordance with the provisions of Wisconsin Statutes Section 66.1105 (the "Tax Increment Law"); and

WHEREAS, a Project Plan for the District has been prepared that includes:

- a. A statement listing of the kind, number and location of all proposed public works or improvements within the District, or to the extent provided in Wisconsin Statutes Sections 66.1105(2)(f)1.k. and 66.1105(2)(f)1.n., outside of the District;
- b. An economic feasibility study;
- c. A detailed list of estimated project costs;
- d. A description of the methods of financing all estimated project costs and the time when the related costs or monetary obligations are to be incurred;
- e. A map showing existing uses and conditions of real property in the District;
- f. A map showing proposed improvements and uses in the District;
- g. Proposed changes of zoning ordinances, master plan, map, building codes and City ordinances;
- h. A list of estimated non-project costs;
- i. A statement of the proposed plan for relocation of any persons to be displaced;
- j. A statement indicating how the District promotes the orderly development of the City;
- k. An opinion of the City Attorney or of an attorney retained by the City advising that the plan is complete and complies with Wisconsin Statutes Section 66.1105(4)(f).; and

WHEREAS, prior to its publication, a copy of the notice of public hearing was sent to the chief executive officers of Sauk County, the Baraboo School District, and the Madison Area Technical College District, and any other entities having the power to levy taxes on property located within the District, in accordance with the procedures specified in the Tax Increment Law; and

WHEREAS, in accordance with the procedures specified in the Tax Increment Law, the Plan Commission, on May 18, 2021 held a public hearing concerning the project plan and boundaries and proposed creation of the District, providing interested parties a reasonable opportunity to express their views thereon; and

WHEREAS, after said public hearing, the Plan Commission designated the boundaries of the District, adopted the Project Plan, and recommended to the Common Council that it create such District and approve the Project Plan.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Baraboo that:

1. The boundaries of the District that shall be named "Tax Incremental District No. 12, City of Baraboo", are hereby established as specified in Exhibit A of this Resolution.

- 2. The District is created effective as of January 1, 2021.
- 3. The Common Council finds and declares that:
 - (a) Not less than 50% by area of the real property within the District is suitable for mixed-use development as defined by Wisconsin Statutes Section 66.1105(2)(cm).
 - (b) Based upon the finding stated in 3.a. above, the District is declared to be a mixed-use district based on the identification and classification of the property included within the District.
 - (c) The improvement of such area is likely to enhance significantly the value of substantially all of the other real property in the District.
 - (d) The equalized value of the taxable property in the District plus the value increment of all other existing tax incremental districts within the City, does not exceed 12% of the total equalized value of taxable property within the City.
 - (e) That there are no parcels to be included within the District that were annexed by the City within the preceding three-year period.
 - (f) The City estimates that less than 35% of the territory within the District will be devoted to retail business at the end of the District's maximum expenditure period, pursuant to Wisconsin Statutes Section 66.1105(5)(b).
 - (g) The project costs relate directly to promoting mixed-use development in the District consistent with the purpose for which the District is created.
 - (h) Lands proposed for newly platted residential development comprise no more than 35% of the real property area within the District
 - (i) Costs related to newly platted residential development may be incurred based on the proposed development having a density of at least three (3) units per acre as defined in Wisconsin Statutes Section 66.1105(2)(f)3.a.
- 4. The Project Plan for "Tax Incremental District No. 12, City of Baraboo" (see Exhibit B) is approved, and the City further finds the Plan is feasible and in conformity with the master plan of the City.

BE IT FURTHER RESOLVED THAT the City Clerk is hereby authorized and directed to apply to the Wisconsin Department of Revenue, in such form as may be prescribed, for a "Determination of Tax Incremental Base", as of January 1, 2021, pursuant to the provisions of Wisconsin Statutes Section 66.1105(5)(b).

BE IT FURTHER RESOLVED THAT pursuant to Section 66.1105(5)(f) of the Wisconsin Statutes that the City Assessor is hereby authorized and directed to identify upon the assessment roll returned and examined under Wisconsin Statutes Section 70.45, those parcels of property which are within the District, specifying thereon the name of the said District, and the City Clerk is hereby authorized and directed to make similar notations on the tax roll made under Section 70.65 of the Wisconsin Statutes.

Adopted this	day of	, 2021.
City Mayor		
City Clerk		

EXHIBIT A-

LEGAL BOUNDARY DESCRIPTION OR MAP OF TAX INCREMENTAL DISTRICT NO. 12 CITY OF BARABOO

[INCLUDED WITHIN PROJECT PLAN]

EXHIBIT B -

PROJECT PLAN

[DISTRIBUTED SEPARATELY]

RESOLUTION NO. 2021 -

Dated: June 8, 2021

The City of Baraboo, Wisconsin

Background: At the January 26, 2021, Common Council meeting, the Council voted unanimously to adopt revisions to the Employee COVID-19 Policy. On May 11, 2021 the Council extended the policy until July 31, 2021. Since that meeting the CDC has changed its stance on requiring masks for people who are Fully Vaccinated. As such, the Occupational Safety and Health Administration OSHA has changed its guidance for the workplace to recommend following the CDC guidelines regarding masks. Since the new guidelines requiring masks for only unvaccinated people, we are requesting that the council repeal the COVID Policy which will remove mask requirements within city owned buildings and eliminate the COVID leave afforded to employees.

Fiscal Note: (check one)	[x] Not Required	[] Budgeted Expenditure	[] Not Budgeted
Comments:	-	2	

Resolved, by the Common Council of the City of Baraboo, Sauk County, Wisconsin:

THAT the City's Employee COVID-19 Policy be repealed effective June 8, 2021.

Offered by: Finance/Personnel Comm.	Approved:	
Motion:	**	
Second:	Attest:	

CITY OF BARABOO		9 of 15 DLICY TITLE: E COVID-19 POLICY
TARGET AUDIENCE:	POLICY SOURCE:	POLICY LOCATION:
City Employees	Administration Department	City Website, City Clerk
DATE APPROVED BY COUNCIL:	DATE AMENDED BY COUNCIL:	ATTORNEY REVIEW:
• September 7, 2020 (to be reviewed by		• September 6. 2020
Council no later than 12/31/20)		• December 2, 2020
• December 8, 2020 (to be reviewed by Council no later than 4/30/21)		• January 8, 2021 (Outside Council)
• January 12, 2021 (to be reviewed by Council no later than 3/31/2021)		
• January 26, 2021 (to be reviewed by Council no later than 3/31/2021)		
• May 11, 2021 (to be reviewed by Council no later than 7/31/2021)		
• June 8, 2021		

SECTION 1 - PURPOSE

The City of Baraboo is fully committed to safeguarding the health and safety of all employees. For this reason, all City employees, regardless of position or authority, must comply with the following COVID-19 Policies including:

- Wearing a mask while working (some exceptions may apply)
- Practicing good hygiene
- Maintaining social distancing

- Communicating and holding meetings virtually (by phone or TEAMS) whenever possible
- Complying with mandatory illness and exposure reporting

This Policy authorizes the creation of **Temporary Paid Leave** of up to ten (10) working days for any employee ordered to go home/stay home by a supervisor, Department Head or the City Administrator, because of COVID-19 symptoms and/or possible exposure to COVID-19 for the purpose of obtaining a COVID-19 test.

The effective date of this Policy is January 1, 2021 through July 31, 2021. However, this benefit may end early due to uncertainties, as determined by City Administration and/or City Council.

In the event leave time is needed to care of someone who is either self-quarantined, experiencing symptoms, or seeking treatment, or to care for their child whose school is closed or childcare provider is unavailable due to COVID-19, the benefit will be paid at two-thirds the employee's regular rate of pay.

Because the pandemic is an evolving and dynamic situation, the City's response may change as it receives more information and gains an understanding of the disease. The risks of the virus causing COVID-19 should be taken very seriously. The City will continue to monitor developments and may update this Policy, as needed.

SECTION II - POLICY

1.0 GENERAL POLICIES

- **1.01** Term. This revised Policy is effective January 1, 2021 and shall remain in effect until July 31, 2021, unless amended, superseded or terminated by the Council or other applicable legislation.
- **1.02** Applicability. This Policy applies to all City employees, as defined by the City's Employee Personnel and Procedure Handbook, regardless of position or authority.
- **1.03** <u>Amendments</u>. The City reserves the right to revise, supplement, rescind, or deviate from any of these policies or portions hereof from time-to-time as it deems appropriate. All changes other than minor changes, which are delegated to the City Administrator for revision, require approval by the Common Council.
- **1.04 Severability**. If any provision of this Policy is held invalid under any applicable law, such invalidity shall not affect any other provision of this Policy that can be given affect without the invalid provisions and, to this end, the provisions herein are severable.
- **1.05 Preemption**. If any of the policies contained herein are preempted by a local, state or federal law or order, the local, state or federal law or order shall take precedent.
- **1.06** Confidentiality. Employees, including supervisors, with knowledge of another employee's symptoms, illness, or exposure to COVID-19 are required to keep the information confidential except as may be required by law.
- 2ero Tolerance Harassment Policy. Any employee reasonably suspected of harassing another employee for following any of the required policies contained herein shall be subject to discipline up to and including termination. Allegations of harassment will be investigated and acted on pursuant to the Employee Policy and Procedure Handbook.

2.0 PROTECTIVE MEASURES POLICIES

2.01 <u>Compliance Requirement</u>. Except as otherwise stated below, employees are required to comply with the following protective measures policies while working.

2.02 Social Distancing Policy.

- 2.02.1 Maintain six feet physical distancing from others whenever possible.
- 2.02.2 Not have any direct person-to-person contact (i.e., no hand shaking, no high fives, no fist bumps).
- 2.02.3 Limit in-person meetings and use other means of communications such as Microsoft TEAMS, email and the telephone whenever possible.

2.03 <u>Face Coverings Policy</u>.

- 2.03.1 Wear face coverings whenever social distancing may not be possible, including in hallways, restrooms and meeting rooms.¹
- 2.03.2 Face coverings must cover the nose and mouth. Face coverings with an exhalation valve and plastic face coverings/shields are not permitted.
- 2.03.3 The City will provide one free reusable facemask to any employee upon request.
- 2.03.4 Employees are strongly encouraged to wash cloth facemasks daily by hand or machine using detergent. The mask should be fully dry before using. Employees are encouraged to have several facemasks so they can rotate for washing.

¹ Gov. Evers' Emergency Order #1, extended to March 20, 2021 (as of January 19, 2021), requires masks be worn indoors even if social distancing is possible whenever two or more people are in the same enclosed space, with certain exceptions. Until the Emergency Order ends or is terminated, the Emergency Order preempts this Policy in the ways it is more restrictive than this Policy.

2.03.5 Employees are prohibited from wearing facemasks that contain words or imagery that would be in violation of the City's Employee Personnel and Procedure Handbook.

2.04 Exceptions to Protective Measurers Policies.

- 2.04.1 During emergencies, and while employees are engaged in the performance of emergency related job duties, employees are not required to strictly adhere to Sections 2.01 or 2.02.
- 2.04.2 An employee may request ADA accommodations to Sections 2.01 and 2.02 by contacting the City's ADA Coordinator or speaking to their supervisor or Department Head.
- 2.04.3 A supervisor or Department Head may waive the requirement of some or all of the requirements under Section 2.01 and/or 2.02 if strict compliance would significantly interfere with the employee's job performance.

3.0 PERSONAL HYGIENE POLICIES

- **3.01** Compliance Requirements. Except in emergencies or when significantly impractical, employees are required to comply with the following personal hygiene policies unless otherwise noted below.
- **3.02** Handwashing. Employees must wash their hands or use hand sanitizer, at minimum:
 - 3.02.1 At the beginning of each work day,
 - 3.02.2 Before interacting with other employees or the public where the interaction involves physical contact with the employee or the public,
 - 3.02.3 After touching your face covering,
 - 3.02.4 After using the restroom,
 - 3.02.5 Before and after breaks,
 - 3.02.6 After sneezing, coughing or blowing your nose,
 - 3.02.7 When hands are visibly soiled, and
 - 3.02.8 Prior to leaving work.
- **3.03** Cough and Sneeze Etiquette. To help stop the spread of germs, employees are required to cover their mouth and nose with a tissue when coughing or sneezing, throw used tissues in the trash, and if an employee does not have a tissue, to cough or sneeze into their elbow (not their hand).
- **3.04** Cleaning. Employees must:
 - 3.04.1 Disinfect their high-touch personal spaces, including, but not limited to, phone, keyboard, mouse and desk, on a daily basis.
 - 3.04.2 Disinfect meeting rooms, conference rooms, kitchen areas, etc., after employee uses the room or area (see attached instructions for how to properly disinfect these areas).
 - 3.04.3 Request cleaning supplies from their supervisor when they are low.
 - 3.04.4 Perform cleaning tasks as assigned.
 - 3.04.5 Use proper disinfecting supplies.

4.0 COVID-19 SYMPTOMS AND EXPOSURE POLICY

- **4.01 Self-Monitoring Requirement.** Employees are **required** to self-monitor for symptoms of COVID-19 prior to coming to work and while at work.
- **4.02** <u>Employee Reporting Requirement</u>. Employees are required to report to their supervisor, Department Head or the City Administrator as soon as possible if any of the following occurs:

- 4.02.1 The employee is diagnosed with or tests positive for COVID-19.
- 4.02.2 The employee is advised or ordered to stay home by a health care professional or a Health Department due to COVID-19, with or without a COVID-19 diagnosis.
- 4.02.3 The employee becomes aware of a possible exposure to COVID-19 or learns they had a "close contact" with someone diagnosed with COVID-19. A "close contact" means any of the following:
 - 4.02.3.1 The employee was within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period starting from two days before illness onset (or, for asymptomatic patients, two days prior to test specimen collection) until the time the patient is isolated. The 15 minutes are the total number of individual exposures added together over a 24-hour period (e.g., three five-minute exposures are a total of 15 minutes).
 - 4.02.3.2 The employee had direct physical contact with the person (e.g., hug, kiss, handshake).
 - 4.02.3.3 The employee had contact with the person's respiratory secretions (e.g., coughed or sneezed on, contact with a dirty tissue, shared a drinking glass, food, towels or other personal items).
 - 4.02.3.4 The employee lives with the person or stayed overnight for at least one night in a house with the person.
- 4.02.4 The employee has or develops any of the following symptoms:
 - Fever of 100° F or higher
 - Unusual cough or sore throat
 - Chills
 - Unusual body aches/pain
 - Shortness of breath
 - Chest tightness

- Congestion or runny nose
- Unusual headache
- Severe fatigue or exhaustion
- Loss of sense of smell or taste
- Unusual muscle pain
- Nausea, vomiting, diarrhea

4.03 Symptoms of COVID-19 or Exposure to COVID-19.

- 4.03.1 If an employee reports having any of the symptoms listed in Section 4.02.4 and/or that the employee might have been exposed to COVID-19, the employee <u>may</u> be ordered by their supervisor, Department Head or the City Administrator to go home/stay home.
- 4.03.2 If an employee reports having a "close contact" with someone with COVID-19, as defined in Section 4.02.3 above, the employee <u>must</u> be ordered by their supervisor, Department Head or the City Administrator to go home/stay home and requested to take a COVID-19 test.
 - 4.03.2(a) If the test result is negative, the employee may be required to return to work.
 - 4.03.2(b) The employee may be ordered to quarantine up to fourteen (14) days plus produce a negative test result prior to returning to work.
- 4.04 When an Employee is Ordered to Go Home/Stay Home:

- 4.04.1 The final decision on whether to order an employee to go home/stay home from work under this Policy will be made by the Department Head unless the City Administrator disagrees, in which case the final say will be the decision of the City Administrator. The Department Head and City Administrator shall always err on the side of caution in making the final determination on whether to exclude an employee from work.
- 4.04.2 If an employee is ordered to go home/stay home, the employee will be placed on **Temporary Paid**Leave/Emergency Paid Sick Leave as indicated in Section 1 above and will be paid at his/her regular rate of pay as indicated in Section 1. If an employee is able to work remotely, is on scheduled vacation leave, or is on any other kind of leave, the employee will not be eligible to use the **Temporary Paid**Leave/Emergency Paid Sick Leave.
- 4.04.3 Except when medically unfeasible, if the employee has not returned to work within three (3) days of being ordered to go home/stay home under this Policy, the employee is required to either be tested for COVID-19 or seek medical care from their health care provider.
- 4.04.4 Until permitted to return to work in person or after the ten (10) days of leave have been used (if applicable), the employee shall make arrangements to work remotely if possible, and may use his/her accrued vacation leave, sick leave, or FMLA, or a combination thereof, in accordance with the City's Employee Handbook and any applicable state and federal laws.
- 4.04.5 The employee ordered to go home/stay home shall not be allowed to return to work until the employee, satisfactory to the City at the sole discretion of the City Administrator or designee:
 - 4.04.5.1 The Department Head/City Administrator and employee agree to modifications of the employee's work schedule and/or work environment which may include, but not be limited to, the employee being required to wear a mask and gloves while working, and/or
 - 4.04.5.2 The employee provides written medical clearance to return to work from a health care provider or the Sauk County Health Department.

5.0 POSITIVE COVID-19 TEST OR MEDICAL ORDER/ADVICE TO STAY HOME

- **5.01** Mandatory Reporting. If an employee receives a positive COVID-19 test result, or if an employee receives an order or advice from a health care provider or a Health Department to isolate or self-quarantine, the employee is required to notify their supervisor and City Clerk.
- **City and Employee Responsibilities.** If an employee reports testing positive for COVID-19, or if the employee receives an order or advice from a health care provider or a Health Department to isolate or self-quarantine, the employee is **required** to go home/stay home. In this event:
 - 5.02.1 Unless the employee is able to work remotely as determined by the City, the employee will be eligible for leave consistent with Section 1. Formal paperwork needs to be completed and turned in to the Clerk's Office. Please contact the Clerk for said paperwork.
 - 5.02.2 Until permitted to return to work or arrangements are made to work remotely, the employee may use his/her accrued vacation leave, sick leave, or FMLA, or a combination thereof, in accordance with the City's Employee Handbook and any applicable state and federal laws.
 - 5.02.3 The employee shall not be allowed to return to work until the employee, satisfactory to the City at the sole discretion of the City Administrator or designee, (a) provides written medical clearance from a health

care provider or the City's Health Department to return to work, and this medical clearance is satisfactory to the City, and/or (b) the Department Head/City Administrator and employee all agree to modifications of the employee's work environment, which may include, but not be limited to, the employee being required to wear a mask and gloves while working.

City of Baraboo MATRIX FOR ILLNESS/EXPOSURE/CHILDCARE

	IVIATRIX FOR ILLINESS/EXPOSURE/CF	IILD CAILL
	WHAT MUST THE EMPLOYEE DO/ WHAT HAPPENS NEXT?	WHEN CAN THE EMPLOYEE RETURN TO WORK? (ALWAYS AT THE FINAL SAY OF THE CITY)
If you receive a positive COVID- 19 test result	Do not come to work Inform your supervisor/Department Head/City Administrator immediately If you are unable to work remotely and are not out on scheduled vacation, you may use sick leave, vacation leave while ordered/advised by a health care provider to stay home. You may be eligible for Temporary Paid Leave under Section 1.	 The Department Head/City Administrator and employee agree to possible modifications of the employee's work environment, satisfactory to the City Administrator or designee, and/or The employee receives medical clearance from a medical care provider or the City's Health Department to return to work which is satisfactory to the City Administrator or designee.
If you have been advised or ordered to isolate or self-quarantine by a medical care provider, but you do not have a positive COVID-19 test result or are waiting for a test result	See "If you receive a positive COVID-19 test result."	See "If you receive a positive COVID-19 test result."
If you have symptoms of COVID-19 or a possible COVID-19 exposure, but have not yet seen your doctor or received the results from a COVID-19 test	Inform your supervisor/Department Head/City Administrator immediately If the City orders you to go home/stay home: You will be eligible for Temporary Paid Leave for up to ten (10) days (as stated in Section 1) unless you can work remotely, have vacation scheduled or are out on another kind of leave or convert to another kind of leave. You must be tested for COVID-19 or seek medical care within three (3) days of being ordered to go home/stay home unless you are cleared by the City to return to work.	 Provide a negative COVID-19 test result, which is satisfactory to the City Administrator or designee (unless you have been ordered or advised to stay home by a medical care provider, in which case only the next two apply), and/or The Department Head/City Administrator and employee agree to possible modifications of the employee's work environment, satisfactory to the City Administrator or designee, and/or The employee receives medical clearance from a medical care provider or the City's Health Department to return to work, which is satisfactory to the City Administrator or designee.
If you are caring for someone who has been diagnosed with COVID-19 or if you are caring for someone who is waiting for medical care and has symptoms of COVID-19 & you do not have any symptoms and have had no exposure (you have taken safety precautions when caring for the person)	Speak to your supervisor or Brenda Zeman (City Clerk) You may be eligible for pay at two-thirds the employee's regular rate of pay as indicated in Section 1 or may be eligible for unpaid FMLA while caring for the person.	If you have no symptoms and have not had an exposure (you have taken all recommended safety precautions while caring for the person) there are no restrictions on your returning to work.
You have to stay home to provide childcare to your child because his/her childcare or school is closed or unavailable due to COVID-19	Speak to your supervisor or Brenda Zeman (City Clerk). You may be eligible for pay at two-thirds the employee's regular rate of pay as indicated in Section 1 or may be eligible for unpaid FMLA while caring for the person.Re	